

REMARKS

Claims 37, 39-46, 48 and 54-68 are pending in the application. Claims 48, 61-64 and 68 are hereby canceled. Claims 37 and 43-45 have been amended.

Amendment of the originally filed claims, or cancellation of any claims, should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the right to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Applicants thank the Examiner for withdrawing several of the rejections from the last Office Action.

Rejection under 35 U.S.C. § 112, first paragraph, enablement

Claims 37, 39-46, 54-61 and 65-68 remain rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. In particular, it is the Examiner's contention that the claims are not enabled by the specification for any type of cancer.

Applicants have amended claim 37, from which the other claims depend, to require that the cancer exhibit tissue factor expression. Support for this amendment may be found throughout the specification, and particularly in the Examples. The Examiner has acknowledged that there is support for such cancers in the specification. Accordingly, Applicants respectfully request withdrawal of the rejection for lack of enablement.

Rejections under 35 U.S.C. § 102(b)

Claims 37, 38, 72, 51-61 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Edgington et al. (U.S. Patent No. 5,223, 427, the “427 patent”). “A claim is only anticipated if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Applicants have amended claim 37, from which the other claims depend, to require that the antibody comprise a sequence represented by SEQ ID NO: 2 or SEQ ID NO:4. This antibody is not disclosed in Edgington.

Thus, Edgington does not teach every limitation of claim 37 and its dependent claims. Accordingly, this ground of rejection should be withdrawn.

Claims 37, 42 and 54-57 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Fiore et al. (Blood, 1992, Vol. 80(12):3127-3134). The Applicants have amended claim 37, from which the other claims depend, to require that the antibody comprise a sequence represented by SEQ ID NO: 2 or SEQ ID NO:4. This antibody is not disclosed in Fiore. Thus, Fiore does not teach every limitation of claim 37 and its dependent claims. Accordingly, this ground of rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 43-46 and 65-67 are rejected under 35 U.S.C. § 103 as allegedly obvious over Edgington et al. or Fiore et al. in view of Queen et al. (1997, U.S. Patent No. 5,693,762).

As discussed above, neither Edgington or Fiore teach or suggest all of the claim limitations of amended claim 37, from which claims 43-46 and 65-67 ultimately depend. Queen does not remedy the deficiency in the teachings of Edgington or Fiore. Thus, the combined references do not produce the claimed invention. Accordingly, this ground of rejection should be withdrawn.

Claim Objections

Claims 43 and 48 have been objected to.

Claim 43 has been amended as the Examiner suggested.

Claim 48 has been canceled.

Accordingly, the claim objections should be withdrawn.

CONCLUSION

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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